

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 6568
OFFERED BY MR. ARMSTRONG OF NORTH
DAKOTA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Speculative Ticketing
3 Oversight and Prohibition Act” or the “STOP Act of
4 2023”.

5 SEC. 2. SPECULATIVE TICKETING BAN.

6 (a) PROHIBITION.—Beginning 180 days after the
7 date of the enactment of this Act, a ticket issuer, sec-
8 ondary market ticket issuer, or secondary market ticket
9 exchange that does not have actual or constructive posses-
10 sion of an event ticket shall not sell, offer for sale, or ad-
11 vertise for sale such event ticket.

12 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
13 tion shall be construed to prohibit a secondary market
14 ticket issuer or secondary market ticket exchange from of-
15 fering a service to a consumer to obtain an event ticket
16 on behalf of the consumer if the secondary market ticket

1 issuer or secondary market ticket exchange complies with
2 the following:

3 (1) Does not market or list the service as an
4 event ticket.

5 (2) Maintains a clear, distinct, and easily dis-
6 cernible separation between the service and event
7 tickets through unavoidable visual demarcation that
8 persists throughout the entire service selection and
9 purchasing process.

10 (3) Clearly and conspicuously discloses before
11 selection of the service that the service is not an
12 event ticket and that the purchase of the service
13 does not guarantee an event ticket.

14 (4) In the event the service is unable to obtain
15 the specified event ticket purchased through the
16 service for the consumer, provides the consumer that
17 purchased the service, within a reasonable amount of
18 time—

19 (A) a full refund for the total cost of the
20 service to obtain an event ticket on behalf of
21 the consumer; or

22 (B) subject to availability, a replacement
23 event ticket in the same or a comparable loca-
24 tion with the approval of the consumer.

1 (5) Does not obtain more tickets in each trans-
2 action than the numerical limitations for tickets set
3 by the venue and artist for each respective event.

4 **SEC. 3. DECEPTIVE WEBSITES.**

5 A ticket issuer, secondary market ticket issuer, or
6 secondary market ticket exchange—

7 (1) shall provide a clear and conspicuous state-
8 ment, before a visitor purchases an event ticket from
9 the ticket issuer, secondary market ticket issuer, or
10 secondary market ticket exchange that the issuer or
11 exchange is engaged in the secondary sale of event
12 tickets;

13 (2) shall not state that the ticket issuer, sec-
14 ondary market ticket issuer, or secondary market
15 ticket exchange is affiliated with or endorsed by a
16 venue, team, or artist, as applicable, unless a part-
17 nership agreement has been executed, including by
18 using words like “official” in promotional materials,
19 social media promotions, search engine optimization,
20 paid advertising, or search engine monetization un-
21 less the issuer or exchange has the express written
22 consent of the venue, team, or artist, as applicable;
23 and

24 (3) shall not use a domain name, or any sub-
25 domain thereof, in the URL of the ticket issuer, sec-

1 ondary market ticket issuer, or secondary market
2 ticket exchange that contains—

3 (A) the name of a specific team, league, or
4 venue where concerts, sports, or other live en-
5 tertainment events are held, unless authorized
6 by the owner of the name;

7 (B) the name of the exhibition or perform-
8 ance or of another event described in subpara-
9 graph (A), including the name of a person,
10 team, performance, group, or entity scheduled
11 to perform at any such venue or event, unless
12 authorized by the owner of the name;

13 (C) any trademark or copyright not owned
14 by the ticket issuer, secondary market ticket
15 issuer, or secondary market ticket exchange, in-
16 cluding any trademark or copyright owned by
17 an authorized agent or partner of the venue or
18 event identified in subparagraph (A) and (B);
19 or

20 (D) any name substantially similar to
21 those described in subparagraphs (A) and (B),
22 including any misspelling of any such name.

23 **SEC. 4. REFUND REQUIREMENTS.**

24 (a) CANCELLATION.—Beginning 180 days after the
25 date of the enactment of this Act, if an event is canceled

1 or postponed (except for a case in which an event is can-
2 celed or postponed due to a cause beyond the reasonable
3 control of the ticket issuer, including a natural disaster,
4 civil disturbance, or otherwise unforeseeable impediment),
5 a ticket issuer, secondary market ticket issuer, or sec-
6 ondary market ticket exchange shall provide the consumer,
7 at the option of the purchaser, at a minimum—

8 (1) a full refund for the total cost of the event
9 ticket, any event ticket fee, and any tax; or

10 (2) subject to availability, if the event is post-
11 poned, a replacement event ticket, in the same or a
12 comparable location, once the event has been re-
13 scheduled, with the approval of the consumer.

14 (b) DISCLOSURE OF GUARANTEE AND REFUND POL-
15 ICY REQUIRED.—Beginning 180 days after the date of the
16 enactment of this Act, a ticket issuer, secondary market
17 ticket issuer, or secondary market ticket exchange shall
18 disclose clearly and conspicuously before the completion
19 of an event ticket sale the guarantee or refund policy of
20 such ticket issuer, secondary market ticket issuer, or sec-
21 ondary market ticket exchange, including under what cir-
22 cumstances any refund issued will include a refund of any
23 event ticket fee and any tax.

24 (c) DISCLOSURE OF HOW TO OBTAIN A REFUND RE-
25 QUIRED.—Beginning 180 days after the date of the enact-

1 ment of this Act, a ticket issuer, secondary market ticket
2 issuer, or secondary market ticket exchange shall provide
3 a clear and conspicuous explanation of how to obtain a
4 refund of the total cost of the ticket, any event ticket fee,
5 and any tax.

6 **SEC. 5. REPORT BY THE FEDERAL TRADE COMMISSION ON**
7 **BOTS ACT OF 2016 ENFORCEMENT.**

8 Not later than 6 months after the date of the enact-
9 ment of this Act, the Commission shall submit to Congress
10 a report on enforcement of the Better Online Ticket Sales
11 Act of 2016 (Public Law 114–274; 15 U.S.C. 45c), includ-
12 ing any enforcement action taken, challenges with enforce-
13 ment and coordination with State Attorneys General, and
14 recommendations on how to improve enforcement and in-
15 dustry compliance.

16 **SEC. 6. ENFORCEMENT BY THE FEDERAL TRADE COMMIS-**
17 **SION.**

18 (a) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A
19 violation of this Act shall be treated as a violation of a
20 rule defining an unfair or deceptive act or practice under
21 section 18(a)(1)(B) of the Federal Trade Commission Act
22 (15 U.S.C. 57a(a)(1)(B)).

23 (b) POWERS OF COMMISSION.—The Commission
24 shall enforce this Act in the same manner, by the same
25 means, and with the same jurisdiction, powers, and duties

1 as though all applicable terms and provisions of the Fed-
2 eral Trade Commission Act (15 U.S.C. 41 et seq.) were
3 incorporated into and made a part of this Act.

4 (c) PRIVILEGES AND IMMUNITIES.—Any person who
5 violates this Act shall be subject to the penalties and enti-
6 tled to the privileges and immunities provided in the Fed-
7 eral Trade Commission Act (15 U.S.C. 41 et seq.).

8 (d) AUTHORITY PRESERVED.—Nothing in this Act
9 shall be construed to limit the authority of the Commission
10 under any other provision of law.

11 **SEC. 7. DEFINITIONS.**

12 In this Act:

13 (1) ARTIST.—The term “artist” means any per-
14 former, musician, comedian, producer, ensemble or
15 production entity of a theatrical production, sports
16 team owner, or similar person.

17 (2) COMMISSION.—The term “Commission”
18 means the Federal Trade Commission.

19 (3) DOMAIN NAME.—The term “domain name”
20 means a globally unique, hierarchical reference to an
21 Internet host or service, which is assigned through
22 centralized Internet naming authorities, and which is
23 comprised of a series of character strings separated
24 by periods, with the right most string specifying the
25 top of the hierarchy.

1 (4) EVENT; EVENT TICKET; TICKET ISSUER.—
2 The terms “event”, “event ticket”, and “ticket
3 issuer” have the meaning given those terms in the
4 Better Online Ticket Sales Act of 2016 (Public Law
5 114–274).

6 (5) EVENT TICKET FEE.—The term “event
7 ticket fee”—

8 (A) means a charge for an event ticket
9 that must be paid in addition to the base event
10 ticket price in order to obtain an event ticket
11 from a ticket issuer, secondary market ticket
12 issuer, or secondary market ticket exchange in-
13 cluding any service fee, charge and order proc-
14 essing fee, delivery fee, facility charge fee, and
15 any other charge; and

16 (B) does not include any charge or fee for
17 an optional product or service associated with
18 the event that may be selected by a purchaser
19 of an event ticket.

20 (6) OPTIONAL PRODUCT OR SERVICE.—The
21 term “optional product or service” means a product
22 or service that an individual does not need to pur-
23 chase to use or take possession of an event ticket.

24 (7) RESALE; SECONDARY SALE.—The terms
25 “resale” and “secondary sale” mean any sale of an

1 event ticket that occurs after the initial sale of the
2 event ticket by a ticket issuer.

3 (8) SECONDARY MARKET TICKET EXCHANGE.—

4 The term “secondary market ticket exchange”
5 means any person that operates a platform or ex-
6 change for advertising, listing, or selling resale tick-
7 ets, on behalf of itself, vendors, or a secondary mar-
8 ket ticket issuer.

9 (9) SECONDARY MARKET TICKET ISSUER.—The
10 term “secondary market ticket issuer” means any
11 person, including a ticket issuer, that resells or
12 makes a secondary sale of an event ticket to the gen-
13 eral public in the regular course of the trade or busi-
14 ness of the person.

15 (10) URL.—The term “URL” means the uni-
16 form resource locator associated with an internet
17 website.

18 (11) VENUE.—The term “venue” means a
19 physical space at which an event takes place.

